THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.17078 of 2005

03-08-2005

Between:

National College of Educatin, Munidevupally, Medak District, Rep. By its Correspondent Sri Khadar Khan.

... PETITONER

AND

1.State of Andhra Pradesh, rep. By its Secretary, School Education, Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.17078 of 2005

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the third respondent, Regional Joint Director of School Education, Hyderabad, in not according permission to the petitioner-Management for conversion of seats methodology-wise from 85% minority quota in the leftover seats being filled with non-minority students as illegal, arbitrary, violative of the provisions of the Constitution of India and consequently to direct the third respondent to accord permission on the proposals of the petitioner-Management for conversion of seats methodology-wise.

According to the petitioner-Management, as some of the seats were leftover due to non-availability of minority candidates as well as with reference to particular methodologies, it approached the third respondent seeking appropriate orders permitting it to fill up the vacant seats with non-minority candidates as well as for conversion of methodologies. However, as no orders have been passed, the petitioner has come up with the present writ petition.

At the time of hearing, the learned counsel for the petitioner represented that similar matters have already been disposed of by this Court directing the third respondent to pass appropriate orders in terms of Rule 6 (i) (c) of the Rules framed in G.O.Ms.No.26, dated 03.02.2005. It is also stated that this Court passed orders in W.P.No.16166 of 2005, dated 25.07.2005, wherein in fact an order passed by the Regional Joint Director of School Education directing the Convener to pass orders was set aside and the Regional Joint

Director of School Education was directed to pass appropriate orders in terms of the above referred Rule. Therefore, he sought for a similar order.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

This Court in the above referred writ petition passed the order in the following terms:

> "In view of the clarification issued by the second respondent, the Director of School Education, referring to the relevant Rule i.e., Rule 6 (i) (c) of the Rules framed in G.O.Ms.No.26, dated 03.02.2005, whereby it is only the Regional Joint Director who is competent to pass orders as to the conversion of leftover seats from one methodology to another, the impugned order passed by the third respondent directing the Convener to pass orders in regard to conversion of leftover seats is illegal and contrary to law. Therefore, the impugned order is liable to be set aside.
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> Accordingly the impugned order, dated 28.06.2005, is hereby set aside. The writ petition is disposed of directing the third respondent, the Regional Joint Director of School Education, to consider the representation of the petitioner for conversion and pass appropriate orders, in accordance with law, within a period of one week from the date of receipt of a copy of this order. No costs."

As the petitioner is also similarly placed, the third respondent, the Regional Joint Director of School Education, is directed to pass appropriate orders on the representation of the petitioner, expeditiously, preferably within a period of one week from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

03.08.2005

VGB